

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SURFACE SUPPLIED, INC.,

No. C 13-0575 MMC

Plaintiff,

**ORDER RE: JOINT MOTION FOR  
ORDER OF DISMISSAL; DIRECTIONS  
TO PARTIES**

v.

KIRBY MORGAN DIVE SYSTEMS, INC..

Defendant.

\_\_\_\_\_  
AND RELATED COUNTERCLAIMS. \_\_\_\_\_

Before the Court is the parties' "Joint Motion for Order of Dismissal Pursuant to Rule of Civil Procedure 41(a)(2)," filed March 13, 2014.

In said filing, the parties state that the above-titled action is subject to dismissal with prejudice, in light of a settlement agreement, and request the Court "issue an order of dismissal incorporating the [p]arties' settlement agreement by reference and retaining jurisdiction to enforce the agreement." (See Joint Motion 3:14-16.) The parties, however, have not submitted a copy of the settlement agreement and, in the absence thereof, the Court declines to retain jurisdiction for the purposes proposed.<sup>1</sup>

Accordingly, the parties are hereby DIRECTED to submit, no later than March 31,

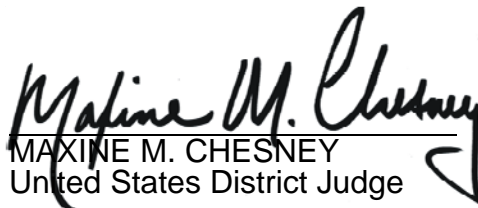
\_\_\_\_\_  
<sup>1</sup> Although the parties have provided brief excerpts of the agreement, the terms of the settlement as to which the parties seek retention of jurisdiction are not included therein.

1 2014, a copy of the settlement agreement, or, in the alternative, a revised motion for order  
2 of dismissal without a request for the retention of jurisdiction.

3 Further, in light of the pendency of the parties' Joint Motion, the hearing dates for all  
4 other pending motions are hereby CONTINUED to April 18, 2014.

5 **IT IS SO ORDERED.**

6  
7 Dated: March 14, 2014

  
MAXINE M. CHESNEY  
United States District Judge